

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

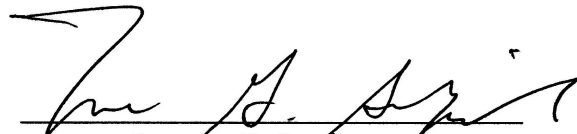
-----X	:	
HIMELDA MENDEZ,	:	
	:	
Plaintiff,	:	
	:	19 Civ. 11166 (LGS)
-against-	:	
	:	
BG RETAIL LLC,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 13, 2022, the Court of Appeals granted Plaintiff-Appellant's motion to withdraw the appeal of the Order at Dkt. No. 36 and remanded the case with instructions to this Court "to determine, in the first instance, whether any further proceedings are warranted, including vacatur of the merits-based judgments and dismissal of the actions for lack of standing in light of" the Second Circuit's decision in *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68 (2d Cir. 2022). It is hereby

**ORDERED** that, by December 23, 2022, the parties shall file a joint letter stating their respective positions on whether the merits-based judgment should be vacated and the case dismissed instead for lack of standing in light of the Second Circuit's *Calcano* decision, and/or whether any other proceedings are appropriate.

Dated: December 16, 2022  
New York, New York

  
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**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**